

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ANTONE REYNOLDS,

Plaintiff,

v.

Case No. 2:09-cv-144
HON. ROBERT HOLMES BELL

WARDEN DAVID BERGH, et al.,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff Antone Reynolds, an inmate currently confined at the Thumb Correctional Facility, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against several employees of the Michigan Department of Corrections. Defendants have moved to dismiss the complaint for misjoinder of claims and parties. Plaintiff has conceded that his complaint was improper and has moved to voluntary dismiss all defendants except defendants Warden David Bergh, ARUS Lynne Phillipson, Sergeant Patricia Belfry, RUO Steven Sharrett, RUO Todd Dejong, Sergeant Tim Lee and RUO Christopher Feigle. All these defendants are employed at the Alger Maximum Correctional Facility. Plaintiff requests to amend his complaint to assert claims against these defendants only.

Accordingly, it is recommended that the court grant defendants' motions to dismiss (Docket #41 and #45) in part, and dismiss the case against all defendants except defendants Bergh, Phillipson, Belfry, Sharrett, Dejong, Lee and Feigle. It is further recommended that the court grant plaintiff's motion to amend his complaint (Docket #53).

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within fourteen (14) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3(b). Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: August 25, 2010